

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

NICHOLE ADAMS-FLORES, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

**NOTICE OF MOTION TO
DISMISS THE FIRST
AMENDED COMPLAINT IN
PART**

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF CORRECTIONS, HEALTH &
HOSPITAL CORPORATION, CYNTHIA BRANN,
Commissioner of Dept. of Corrections, PATSY YANG,
Chief Operating Officer of Correctional Health Services,
ROSS MACDONALD, Chief of Medicine, JEFF
THAMKITTIKASEM, former Chief of Staff of Dept. of
Corrections, and MARTIN MURPHY, former Chief of
Department of Dept. of Corrections,

18-CV-12150 (JMF)

Defendants.

----- x

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Kerrin A Bowers, dated August 1, 2019, and the exhibit annexed thereto, the Memorandum of Law in Support of Defendants' Motion to Dismiss the First Amended Complaint in Part, dated August 1, 2019, and upon all the papers and proceedings previously had herein, defendants will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, before the Honorable Jesse M. Furman, United States District Judge, on a date and time to be decided by the Court, for a judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, partially dismissing the First Amended Complaint against defendants on the ground that the First Amended Complaint fails to state a claim upon which relief can be granted, and granting such other and further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 26(c), defendants respectfully request that discovery be stayed pending the Court's decision of this motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 6(c) and Local Civil Rule 6.1(b), opposition papers, if any, must be served and filed on or before August 15, 2019, and reply papers, if any, are to be served and filed on or before August 22, 2019.

Date: New York, New York
August 1, 2019

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-139
New York, New York 10007
(212) 356-2473
kbowers@law.nyc.gov

By: _____/s/
Kerrin A. Bowers
Assistant Corporation Counsel

To: Frederick K. Brewington, Esq.
Law Offices of Frederick K. Brewington
556 Peninsula Blvd.
Hempstead, New York 11550
Attorneys for Plaintiff
(Via ECF)

18-CV-12150 (JMF)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
NICHOLE ADAMS-FLORES, individually and on behalf of all others similarly situated, Plaintiff, -against- THE CITY OF NEW YORK, et al., Defendants.
NOTICE OF MOTION TO DISMISS THE FIRST AMENDED COMPLAINT IN PART
ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> <i>Attorney for Defendants</i> <i>100 Church Street, Room 2-139</i> <i>New York, New York 10007-2601</i> <i>Of Counsel: Kerrin A. Bowers</i> <i>Telephone: (212) 356-2473</i> <i>Matter No.: 2018-095785</i>
<i>Due and timely service is hereby admitted.</i> <i>Dated: New York, New York.....2019</i> <i>Signed:</i> <i>Attorney for</i>